

REMARKS

This is in response to the Office Action mailed on April 25, 2008.

Claims 1, 5, 7, 10, 14, 16-19, and 22 are amended, no claims are canceled, and no claims are added; as a result, claims 1-23 are now pending and subject to examination in this application.

§102 Rejection of the Claims

Claims 1, 2, 6, 9, 10, 13 and 15-21 were rejected under 35 USC § 102(b) as being anticipated by Oestreich (US 6445910 B1), hereafter “Oestreich.”

The claims have been amended to recite that the wireless network is a network of sensor nodes, that the multiple independent infrastructure nodes are spaced from each other and each multiple independent infrastructure node is associated with a different set of wireless sensor nodes, and that at least two infrastructure nodes receive a transmitted signal from a single first wireless sensor node, wherein the first wireless sensor node is associated with one of the two infrastructure nodes. Support for this amendment can be found in the specification at least in ¶¶ [0018] and [0021].

The Applicant respectfully submits that these features are not disclosed in the Oestreich reference or any of the secondary references. The Applicant respectfully submits that the claims are now in a condition for allowance, and respectfully requests a notice to that effect.

§103 Rejection of the Claims

Claims 3, 4, 11 and 12 were rejected under 35 USC § 103(a) as being unpatentable over Oestreich (US 6445910 B1), hereafter “Oestreich,” in view of Ziv et al. (US 20010018347 A1), hereafter “Ziv.”

Claim 5 was rejected under 35 USC § 103(a) as being unpatentable over Oestreich (US 6445910 B1), hereafter “Oestreich” in view of Partyka (US Pat. 6058137), hereafter “Partyka”.

Claims 7, 8, 14, 22 and 23 were rejected under 35 USC § 103(a) as being unpatentable over Oestreich (US 6445910 B1), hereafter “Oestreich” in view of Smee et al. (US Pat. 6990137), hereafter “Smee”.

The Applicant respectfully submits that the current amendments to the claims overcome the rejection of the claims under 35 USC § 103(a). The Applicant respectfully submits that the claims are now in a condition for allowance, and respectfully requests a notice to that effect.

Additionally, regarding claim 5, the Office Action concedes that the Oestreich patent does not disclose sensors. However, the Office Action contends that it would have been obvious to a person of ordinary skill to combine Partyka's disclosure of sensors in a radio transmission system with Oestreich. The Applicant respectfully disagrees.

The Applicant respectfully submits that the rationale for combining Oestreich and Partyka is faulty. The rationale for combining Oestreich and Partyka provided by the Office Action is that it would provide synchronization means among various transmitters and gain control over power consumption of battery-operated transmitters. The rationale of synchronization means relates only to the sensor network of Partyka. There is no mention of sensors or synchronization needs in Oestreich. Thus, while both Oestreich and Partyka relate generally to radio communication/transmission systems, there is a complete disjunction between Oestreich and Partyka regarding synchronization means, and as such, the synchronization means cannot link Oestreich and Partyka, nor serve as a rationale for combining them. Consequently, for at least this reason, the Office Action fails to establish a *prima facie* case of obviousness. Regarding the rationale relating to power consumption of battery-operated transmitters, the Applicant respectfully submits that virtually all battery-operated devices have concerns of power consumption, and such a general rationale cannot establish a *prima facie* case of obviousness.¹

Consequently, for at least these additional reasons, the Applicant respectfully requests the withdrawal of the rejection of claim 5.

¹ See *In re Lee*, 277 F.3d 1338, 1342-44 (Fed. Cir. 2002) (There must be objective evidence and specific factual findings with respect to the motivation to combine references). See also *Ecolchem v. Southern California Edison Co.*, 277 F.3d 1361, 1372 (Fed. Cir. 2002) (broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence of obviousness).

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2140 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

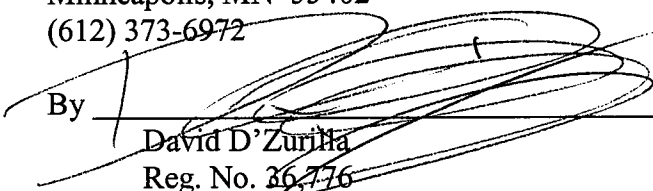
Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6972

Date

July 15, 2008

By


David D'Zurilla
Reg. No. 36,776

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of July, 2008.

David M. Foote

Name

David M. Foote

Signature